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**RESOLUTION 2014-18**

**A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-  
THE-SEA, FLORIDA, ADOPTING POLICIES FOR THE USE  
OF THE OCEAN AND DUNE PLAZAS AND THE BEACH  
PAVILION BY ENTITIES OTHER THAN THE TOWN;  
PROVIDING FOR CONFLICT AND FOR AN EFFECTIVE  
DATE.**

11       **WHEREAS**, the Town Commission of the Town of Lauderdale-By-The-Sea ("Town")  
12 desires to establish policies governing the use of the newly constructed Ocean and Dune Plazas  
13 in the two easternmost blocks of Commercial Boulevard by others, and for those policies to also  
14 apply to the Beach Pavilion at the eastern end of Commercial Boulevard; and

15       **WHEREAS**, the Town Commission finds that the policies, attached as Exhibit A, are the  
16 minimum necessary to assure that the use of these important public spaces is consistent with the  
17 purposes for which they were designed and constructed, is compatible with surrounding uses,  
18 and is in the best interest of the Town, its residents and visitors, and that the costs associated with  
such use are borne by the users.

19       **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF**  
20 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA THAT:**

21       **SECTION 1. Recitals.** The foregoing "WHEREAS" clauses are true and correct and  
22 hereby ratified and confirmed by the Town Commission and incorporated herein.

23       **SECTION 2. Adoption of Policies.** The Town Commission hereby adopts the "Policies  
24 For Use of the Ocean and Dune Plazas & The Pavilion By Entities Other Than The Town,"  
25 attached hereto as Exhibit A.

26       **SECTION 3. Conflicts.** All Resolutions or parts of Resolutions in conflict herewith, be  
27 and the same are repealed to the extent of such conflict.  
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1           **SECTION 4. Effective Date.** This Resolution shall become effective immediately upon  
2 its passage and adoption.

3           **PASSED AND ADOPTED** by the Town Commission of the Town of Lauderdale-By-The-  
4 Sea, Florida, this 27th day of May, 2014.

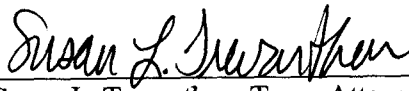
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MAYOR SCOT SASSER

ATTEST:

  
Acting Town Clerk Gerald Bryan

APPROVED AS TO FORM:

  
Susan L. Trevarthen, Town Attorney



**POLICIES FOR USE OF THE OCEAN AND DUNE PLAZAS & THE PAVILION  
BY ENTITIES OTHER THAN THE TOWN**

**General philosophy:** The beach pavilion, the Ocean Plaza, and the Dune Plaza are the premier public spaces in Town and were built for the enjoyment of our residents and visitors. They should therefore only be used for events that are open to the general public or are of significant benefit to the Town. The Town should collect fees and costs so that users bear the costs related to their events, rather than covering those costs from the Town's general fund.

The following policies and fees shall govern the use of the plazas and the Pavilion:

1. *Eligible users.* Use of the plaza for events open to the general public, shall be limited to:
  - a. Town commercial businesses (limited to 4 rentals per year per business)
  - b. Town-based non-profit organizations (limited to 2 rentals per year per organization)
  - c. Out of Town 501C Registered Non-Profit Organizations (limited to 1 rental per organization per year).
  - d. The plazas and pavilion will not be rented for events that are not open to the general public, although it is understood that there may be uses that require an admission fee or cost to the public.
  - e. The Town Commission may authorize the private use of the plazas by any user for an event that is deemed to be of significant benefit to the Town. (Example: a party hosted by the Town and the Convention & Visitors' Bureau whose purpose is to showcase the Town to visiting travel agents or dignitaries).
2. *Fees and costs.*
  - a. A rental fee will be charged for all such uses. The rental structure for events that are open to the general public shall be :
    - i. Town commercial business use - \$850 per day or per night
    - ii. Town-based non-profit organization - \$215 per day or night
    - iii. Out of Town 501C Registered Non-Profit Organization - \$425 per day or night
  - b. The rental fees above are per plaza. If an organization wants to utilize both plazas for their event, they must pay rent for each plaza.
  - c. Use of the plazas as part of a larger special event shall be subject to these rental fees, in addition to the special event permit fee.
  - d. The Town Manager shall estimate the cost of Town and BSO staff to service the event, and set an additional deposit that the renter must pay upfront.
  - e. If food and beverages are to be served, the deposit shall include a pressure washing fee.
  - f. Renters will be required in their rental agreement to clean up the plazas immediately after their use, pay all fees, pay the cost of any damage they do to the Town's property, and pay for all Town & BSO costs directly associated with the event. If such costs exceed the upfront payment for those services, the renter must reimburse the Town for the difference.

3. *Insurance.* Renters must provide liability insurance (and liquor liability insurance if liquor is being served in amounts set by the Town Manager) and execute indemnification agreements with the Town in a form acceptable to the Town Attorney.
4. *Potential use on holidays.*
  - a. The Town Commission will decide if they wish to make the plazas available for use of Town commercial businesses or Town-based non-profit organizations on specific holidays. Non-profit organizations that are not based in LBTS may not rent the plazas on holidays.
  - b. On those holidays the Commission designates, the Town will accept proposals for use six months in advance of the holiday and determine which proposals best fit the image and goals of the Town. After the Commission ranks the proposals in preferred order, staff will negotiate rental fees with the first ranked proposer and bring them back to the Commission for approval.
  - c. The same business or non-profit organization may not rent the same plaza on a specific holiday two years in a row if another business or non-profit wants the opportunity. The Town Manager shall determine whether others are interested in the opportunity, based on whether she or he has received written notice of such interest from an eligible business or organization no later than seven months prior to the holiday.
5. *Use on the same day as a special event.* Rentals will not be considered on days or evenings of Special Events with which they would interfere or conflict.
6. *Sales.* There shall be no sales of manufactured products (excluding food products) in the plazas during these events. Only hand-made artisan products may be sold in connection with such a rental. However, manufactured goods may be auctioned or sold at a charity event in the plaza. This restriction does not apply to the sale of food or food products.
7. *Cancellation for Town-sponsored event.* The Town reserves the right to cancel the rental up to 90 days in advance if the Town Commission decides to hold a Town-sponsored event in the plaza on that same date.